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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/876,376 | 06/06/2001 | John R. Douceur | MS1-769US | 8992 |
| 22801 | 7590 | 09/20/2004 | EXAMINER | |
| LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201 | | | HU, JINSONG | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2154 | |

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 09/876,376 | Applicant(s) DOUCEUR ET AL. | |
| | Examiner Jinsong Hu | Art Unit 2154 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 30 ^{days JM} ~~MONTHS~~ FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-97 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - A. Claims 1-5 and 50-61, drawn to a system and method for identifying the computers that storing identical objects, classified in class 708, subclass 365.
 - B. Claims 6-22 and 33-36, drawn to a system and method for identifying one or more computers storing potential identical files by computer identifier, classified in class 712, subclass 26.
 - C. Claims 23-32, drawn to a system and method for generating imprint for an object, classified in class 709, subclass 200.
 - D. Claims 37-49, drawn to a system and method for received object information mapping, classified in class 707, subclass 715.
 - E. Claims 62-69, drawn to a system and method for network resource allocating, classified in class 709, subclass 226.
 - F. Claims 70-96, drawn to a system and method for processing request from a computer, classified in class 709, subclass 245.

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- G. Claim 97, drawn to a system and method for forwarding the request to the computer storing requested information, classified in class 707, subclass 3.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions A, B, C, D, E, F and G are disclosed as different combinations which are not connected in design, operation or effect. These combinations are independent if it can be shown that (1) they are not disclosed as capable of use together, (2) they have different modes of operation, (3) they have different functions, or (4) they have different effects. (MPEP 806.04, MPEP 808.01).

In the instant case, invention A is directed to a method comprises the steps of using a stochastic partitioning process to identify which of the plurality of computers to communicate the object information to for identical objects in the plurality of computers; invention B is directed a method comprises the steps of identifying a set of bits of the information associated with a file; invention C is directed to a method comprises the steps of generating an imprint for an object stored at a computer; invention D is directed to a method comprises the steps of identifying an imprint which is a set of bits for an object stored at a computer; invention E is directed to a method comprises the steps of receiving a request for an imprint to computer mapping; invention F is directed to a method comprises the steps of grouping selected computers into a plurality of groups; invention G is directed to a method comprises the steps of forwarding the information to the computer based on location determination.

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3. These inventions are distinct for the reasons given above, and the search required for each Group is different and not co-extensive for examination purpose. For example, the searches for the four inventions would not be co-extensive because these groups would require different searches on PTO's classification class and subclass as following:

(1) the Group A search (claims 1-5 and 50-61) would require use of search **Class 708, subclass 365.**

(2) the Group B search (claims 6-22 and 33-36) would require use of search **Class 712, subclass 26.**

(3) the Group C search (claims 23-32), would require use of search **Class 709, subclass 200.**

(4) the Group D search (claims 37-49), would require use of search **Class 707, subclass 715.**

(5) the Group E search (claims 62-69), would require use of search **Class 709, subclass 226.**

(6) the Group F search (claim 70-96), would require use of search **Class 709, subclass 245.**

(7) the Group G search (claim 97), would require use of search **Class 707, subclass 3.**

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4. A telephone call was made to Mr. Allan T. Sponseller (Reg. 38,318) on September 8, 2004 to address a possibility of restriction requirement, but did not result in an oral election being made.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

5. Applicant is reminded that the required for response to this requirement is 30 days, not one month.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306-5932. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

September 13, 2004



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100